

Patterson, J.
Part I

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHR & SIMMONS JEWELRY GROUP,
LLC,

Plaintiff,

v.

GOLD LLC,

Defendant.

Civil Action No. 07 CV 4734 (LTS)

ECF CASE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/7/07

**ORDER TO SHOW CAUSE FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION
(RULE 65, FED.R.CIV.PRO.) AND FOR EXPEDITED DISCOVERY**

Upon the Complaint herein, the Declaration of Scott Rauch, dated

June 7, 2007, and the Memorandum of Law, and good cause having been shown, it is

ORDERED, that the Defendant SHOW CAUSE before this Court, at the

✓ United States District Court, 500 Pearl Street, New York, New York, in Courtroom 17C on

June 14, 2007, at 4PM or as soon thereafter as counsel can be heard, why an Order

should not be entered: issuing a preliminary injunction, pursuant to Rule 65 of the Federal

Rules of Civil Procedure, restraining and enjoining the Defendant, its servants,

employees, related companies, subsidiaries and all persons in active concert and privity

with it, pending the final determination of this action, from infringing U.S. Patent No.

D543,477 entitled "Combined Bracelet or Ring Jewelry Linkage" ("the '477 patent")

alleged herein, by manufacturing, illustrating, publishing, displaying, vending, distributing,

offering to sell, selling, shipping, delivering, promoting, using or advertising any copies of

such works which are the subject of said design patent, including but not limited to dealing

in the said jewelry piece shown in Exhibit B to the Complaint, or any other items

incorporating the infringing designs, or causing and/or participating in such manufacturing,

publishing, displaying, distributing, offering to sell, selling, promoting, using or advertising of copies of such works;

ORDERED, sufficient cause having been shown thereof that pending the *R.P.P.* hearing and determination of the motion for a preliminary injunction, Defendant, its servants, employees, related companies, subsidiaries and all persons in active concert and privity with it, are hereby temporarily restrained and enjoined from infringing U.S. Patent No. D543,477 entitled "Combined Bracelet or Ring Jewelry Linkage" ("the '477 patent") alleged herein, by manufacturing, illustrating, publishing, displaying, vending, distributing, offering to sell, selling, shipping, delivering, promoting, using or advertising, any copies of such works which are the subject of said design patent, including but not limited to dealing in the said jewelry piece shown in Exhibit B to the Complaint, or any other items incorporating the infringing designs, or causing and/or participating in such manufacturing, publishing, displaying, distributing, offering to sell, selling, promoting, *R.P.P.* using or advertising of copies of such works;

ORDERED, that the said temporary restraining order shall be conditioned upon the *R.P.P.* giving of security by plaintiff in the sum of \$ 20,000, to be filed by 5 p.m. on _____, 2007 for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained and that said restraining order shall terminate within 10 days after entry hereof, unless *R.P.P.* extended by agreement of the parties hereto; and it is further

ORDERED that Defendant, upon posting of the aforementioned security by plaintiff, forthwith recall from its customers and sales representatives, at Defendant's sole cost, all jewelry pieces which allegedly infringe the '477 patent and retain said items in


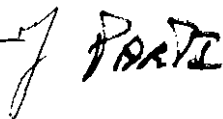
inventory in a warehouse in New York, New York, with an officer of Defendant filing with this court, with a copy to plaintiff's counsel, details of Defendant's proposed compliance with this order of recall including, at least one (1) business day before being sent to customers and sales representatives, a copy of Defendant's letter of recall to be sent to their customers and sales representatives, and it is further

ORDERED that Defendant submit to expedited discovery pursuant to Rules 30(a), 33(a) and 34(a) of the Federal Rules of Civil Procedure, upon two days written notice by plaintiff; and it is further

ORDERED, that service on Defendant or its counsel of a copy of this Order to Show Cause by personal service, or by sending it by Express Mail or other expedited service, together with a copy of the accompanying papers, on or before 5PM on

June 7, 2007, be deemed sufficient service and that answering papers, if any, are to be served by hand upon the attorneys for plaintiff and shall be filed with the Court at

or before 5PM, JUNE 12, 2007,


U.S.D.J. 

ISSUED AT: New York, New York
1:50 PM June 7, 2007